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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,483	04/13/2001	Kun Zhang	GEMS8081.081	7333

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)  
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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,483

Applicant(s)

ZHANG ET AL

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-13, 15-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-13, 15, 16 and 30 is/are allowed.
- 6) ☒ Claim(s) 17, 19-29, 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in reply to an amendment filed on January 09, 2006. Claim 17 has been amended. Claims 1-6, 8-13, 15-17 and 19-31 are pending.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17, 19-23 are directed to a method of enabling inactive options resident on a remote computer. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. The claim subject matter is directed to a data signal representing a sequence of instructions originating from a computer program executed by a computer. Claim 17 is rejected as being is rejected as being directed to a data signal. Claims 19-23 depend on claim 17 and are rejected under the same rationale.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 17, 19, 21-23 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Moeller et al. US Patent 6,694,384 B1 (hereinafter Moeller).

6. As per claims 17 and 31, Moeller teaches a computer data signal embodied in a carrier wave and representing a sequence of instructions which, when executed by at least one processor, causes the at least one processor to:

display a GUI (i.e., selection from a menu) configured to facilitate a request over a first communication interface to enable an inactive option resident on a remote device [column 4, lines 29-35 and lines 63-67];

receive an input of a device identifier, receive a selection of a usage period, receive a selection of an inactive option for enablement from the GUI [Figure 2, column 4, lines 34-40, 63-67 and column 5, lines 11-19];

cause a remote centralized processing station to generate a code (i.e., access key/code) configured to enable the selected inactive option after successful processing of the received inputs and selections [column 4, lines 41-46 and column 5, lines 1-6]; and

transmit the code to the device having the inactive option over a second communication interface different from the first communication interface [column 4, lines 41-46 and column 5, lines 1-10].

7. As per claim 19, Moeller further teaches the method wherein the code includes an alphanumeric software key [column 4, lines 41-45].

8. As per claims 21, Moeller further teaches wherein the GUI is accessible via a public communication network and configured to permit communication between a user station and the centralized facility [figure 1 and 2].

9. As per claim 22 and 23, Moeller further teaches wherein the set of instructions further causes the at least one processor to receive an input of a user ID, a client ID, a system ID, a facility ID, and a selection of a device modality and a software package from the GUI, and wherein the GUI is configured to allow selection of one of a trial use period, a limited use period, a pay-per-use period, and an indefinite use period for the inactive option [Figure 2, column 4, lines 34-40, 63-67 and column 5, lines 11-19].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 20 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller US Patent 6,694,384 B1 in view of Applicant's Admitted Prior Art (hereinafter AAPA).

12. As per claims 20, 24 and 28, Moeller teaches a GUI to request activation of an inactive software program resident in memory of a scanner remotely located from a centralized processing center comprising:

a device modality selector, a system identification field, a user identification field, a software program selector [Figure 2, column 4, lines 34-40, 63-67 and column 5, lines 11-19];  
and

a software key generation tab, where upon user selection of the software key generation tab transmits a data transmission over a public communication connection to the centralized

processing center, and wherein the data transmission represents a request to activate the inactive software program resident in memory of the scanner over a private communication connection [column 4, lines 41-46 and column 5, lines 1-0]. Moeller discloses a scanner device. Moeller does not explicitly teach the scanner being a medical scanner. AAPA teaches a medical scanner with installed components, with inactive software components (see for example page 1 paragraph 2) and activation of such components (see for example; page 2, paragraph 4). One of ordinary skill in the art would have recognized substituting the scanner of Moeller with the medical scanner of AAPA. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of AAPA within the system of Moeller because it would have provided a means for remote activation of software in medical scanners and added utility to the invention of Moeller.

13. As per claim 25, Moeller teaches a menu that is configured to display a listing of device modalities [Figure 2, column 4, lines 34-40]. As for modalities including computed tomography, x-ray, magnetic resonance, echocardiography, ultrasound, nuclear, medicine and positron omission tomography, one of ordinary skill in the art of medical scanners would have realized such modalities being available in a medical scanners and be inherent to the display of modalities in the Moeller-AAPA combination.

14. As per claims 26 and 27, Moeller teaches the method further comprising a period-of-use selector wherein the period-of-use selector includes a dropdown menu configured to display, in response to a user push-button instruction, a usage period including a trial period usage, a limited-use period usage, a pay-per-use period usage, and an indefinite period usage [Figure 2, column 4, lines 34-40, 63-67 and column 5, lines 11-19].

15. As per claim 29, Moeller further teaches the method further comprising a generate-and-receive button, wherein a user selection of the generate-and-receive button creates the data transmission and represents an authorization to request generation of a software key at the centralized processing center and transmit the software key to the medical imaging scanner [figure 2 and column 4, lines 34-40, 63-67].

#### ***Allowable Subject Matter***

16. Claims 1-6, 8-13, 15-16 and 30 are allowed.

#### ***Response to Arguments***

17. Applicant's arguments filed 1/09.2006 have been fully considered but they are not persuasive. Applicant argues that Moeller fails to teach enablement request made over a first communication interface that is different from the first communication interface. Examiner disagrees.

Examiner would point out that Moller teaches displaying a GUI (i.e., selection from a menu) configured to facilitate a request over a first communication interface to enable an inactive option resident on a remote device (note that request can be transmitted over a telephone) [column 4, lines 29-35 and lines 63-67] and transmitting the code to the device having the inactive option over a second communication interface different from the first communication interface [column 4, lines 41-46 and column 5, lines 1-10]. Examiner asserts that Moller teaches the claim limitations and therefore respectfully maintains the rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit: 2135

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Beemnet Dada

April 1, 2006

  
HOSUK SONG  
PRIMARY EXAMINER